

Message Text

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64

ACTION ARA-20

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 IO-14 AID-20 PC-04 OMB-01 EB-11

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 6290

C O N F I D E N T I A L SANTIAGO 5173

E.O. 11652: GDS

TAGS: CI, PGOV

SUBJECT: NEW CHILEAN CONSTITUTION

1. LAST SATURDAY NIGHT I ENCOUNTERED JORGE OVALLE, WHO IS A MEMBER OF THE SEVEN-MAN COMMITTEE CHARGED WITH RESPONSIBILITY FOR DRAFTING THE NEW CHILEAN CONSTITUTION (SANTIAGO 4516). OVALLE TOLD ME HE STRONGLY HOLDS THE VIEW THAT THE NEW CONSTITUTION BE "LIBERAL AND DEMOCRATIC" AND THAT THE CONSTITUTIONAL COMMISSION "NOT PRODUCE ITS DRAFT TOO SOON." BY "LIBERAL AND DEMOCRATIC" OVALLE MADE CLEAR HE MEANT A CONSTITUTION ALONG THE TRADITIONAL PARLIAMENTARY LINES AND NOT A CORPORATE OR GREMIALIST INSTRUMENT. HE SAID HE THINKS LEIGH IS NOW 90 0/0 CONVINCED THAT THE CORPORATE PARLIAMENT IDEA IS A MISTAKE, AND BELIEVES A MAJORITY OF THE FELLOW MEMBERS OF THE COMMISSION AGREE WITH HIS OWN VIEWS IN THIS REGARD. HIS COMMENT WAS THAT THE CORPORATE STATE IS NOT IN CHILE'S TRADITION. OVALLE INDICATED TO ME THAT THE COMMISSION SHOULD ACT WITH DELIBERATION IN ORDER TO PROVIDE TIME FOR OPINIONS TO COOL AND FOR ECONOMIC RECOVERY TO TAKE HOLD.

2. OVALLE VOLUNTEERED THAT THERE WERE IDEAS FLOATING AROUND TO STRENGTHEN THE CONSTITUTIONAL ROLE OF THE SUPREME COURT, GIVING IT THE POWERS WHICH THE U.S. SUPREME COURT POSSESSES. OVALLE OPPOSES THIS, SAYING THAT A CONCENTRATION OF POWER IN THE SUPREME COURT
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WOULD INTRODUCE RIGIDITIES IN THE CHILEAN SYSTEM WHICH ARE NOT

ADVISABLE FOR A DEVELOPING COUNTRY LIKE THIS ONE. HE TOOK THE
EXAMPLE OF THE NEW DEAL, SAYING THAT ROOSEVELT'S PROGRAM WAS
SAVED BY THE HAND OF GOD WHEN A NUMBER OF U.S. SUPREME COURT
JUSTICES PASSED FROM THE SCENE AND ALLOWED ROOSEVELT TO CHANGE
THE COMPOSITION OF THE COURT. IF THAT HAD NOT HAPPENED, OVALLE
SAID, NECESSARY NEW DEAL MEASURES MIGHT HAVE BEEN EFFECTIVELY
OBSTRUCTED. CHILE IS A COUNTRY WITH FAR GREATER ECONOMIC
WEAKNESSES THAN THE U.S., AND WOULD BE EVEN MORE VULNERABLE
TO THE OBSTRUCTION OF A CONSERVATIVE AND HIDE-BOUND GROUP OF
JUSTICES.

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